

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
Nashville Division**

CAPITAL GRILLE HOLDINGS, INC.,)	Case No. 3:19-cv-00576
)	
Plaintiff,)	Judge Eli J. Richardson
)	
v.)	Magistrate Judge Joe Brown
)	
HISTORIC HOTELS OF NASHVILLE,)	
LLC,)	
)	
Defendant.)	
<hr/>		<u>JURY TRIAL DEMANDED</u>

DEFENDANT’S MOTION TO DISMISS

Defendant Historic Hotels of Nashville, LLC (“Hermitage Hotel” or “the hotel”) respectfully moves to dismiss the Complaint with prejudice. As set forth more fully in the contemporaneously filed Memorandum of Law, the Complaint must be dismissed for failing to state a claim upon which relief may be granted under Rule 12(b)(6) and for lack of subject-matter jurisdiction under Rule 12(b)(1). Plaintiff has not alleged with specificity what trademark the hotel has used or how the hotel used that mark. Plaintiff is attempting to assert federal trademark registrations that are junior to the Hermitage Hotel’s senior common law rights. Plaintiff’s claims are not ripe because Plaintiff is seeking anticipatory relief from supposed infringement that has gone unchallenged for a quarter of a century. As Defendant will show in its supporting memorandum, Plaintiff’s Complaint must be dismissed.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing DEFENDANT’S MOTION TO DISMISS was served via the Court’s CM/ECF system, pursuant to LR5.02(c), on August 1, 2019, upon all counsel for Plaintiff, including:

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